

School Committee Policy Review Subcommittee  
Tuesday, March 22, 2022  
5:00 PM – 7:20 PM  
Remote via Zoom

Policy Review Subcommittee members present: David Pearlman (Chair), Valerie Frias, and Andreas Liu.

Policy Review Subcommittee members absent: Jennifer Monopoli.

Other School Committee members present: Helen Charlupski, Susan Wolf Ditkoff, Steven Ehrenberg, and Maria Nobrega.

School Staff present: Casey Ngo-Miller and Robin Coyne.

Mr. Pearlman called the meeting to order at 5:00 PM.

**1) Approval of Minutes**

On a motion of Dr. Liu and seconded by Ms. Frias, the Policy Review Subcommittee voted unanimously (by roll call), with 3 in favor (Mr. Pearlman, Ms. Frias, and Dr. Liu), 0 opposed, and 0 abstentions, to approve the minutes of the February 14, 2022 Policy Review Subcommittee meeting.

On a motion of Dr. Liu and seconded by Mr. Pearlman, the Policy Review Subcommittee voted unanimously (by roll call), with 3 in favor (Mr. Pearlman, Ms. Frias, and Dr. Liu), 0 opposed, and 0 abstentions, to approve the minutes of the March 14, 2022 Policy Review Subcommittee meeting.

**2) Discussion of Possible School Committee Statement regarding Racial and Anti-Semitic Incidents (Possible Vote)**

Arthur Conquest added to the comments he made during the March 20, 2022 School Committee meeting. He commented on what the Schools could do with the \$11 million the Town paid for the settlement with Firefighter Gerald Alston. Mr. Conquest requested adherence to Public Comment time limits.

Mr. Pearlman reviewed the changes to the revised draft School Committee Statement regarding Racial and Anti-Semitic Incidents. Members suggested edits to strengthen the statement and provide more clarity, direction, and accountability. Members discussed the following: the purpose and scope of the Subcommittee on Anti-Racism, Diversity, Equity, Inclusion, and Justice; how the Subcommittee's Action Plan will tie into the Strategic Planning process; the importance of including language on micro aggressions and implicit bias; and the possibility of adding liaison(s) to the School Committee.

On a motion of Ms. Frias and seconded by Dr. Liu, the Policy Review Subcommittee voted unanimously (by roll call), with 3 in favor (Mr. Pearlman, Ms. Frias, and Dr. Liu), 0 opposed, and 0 abstentions, to recommend the School Committee Statement regarding Racial and Anti-Semitic Incidents as revised during this meeting (Attachment A) to the full School Committee.

### **3) Discussion of Draft Public Schools of Brookline (PSB) Restraint Policy (Possible Vote)**

Mr. Pearlman reviewed the changes to the proposed PSB Physical Restraint Policy. Members, Ms. Ngo-Miller, and Special Education Parent Advisory Council (SEPAC) Interim Co-Chair Faith Dantowitz suggested edits to the language on time-out (clarification of the definition), social-emotional supports to students and staff who have witnessed a physical restraint; Office of Student Services notification (as soon as practicable and no later than within 24 hours); and parent/caregiver/guardian notification (Notification as soon as practicable. An initial notification must be made prior to the student leaving school or a school-sponsored activity. Initial reporting of a restraint to parents/caregivers/guardians shall be made verbally. If there is no response to verbal outreach, notification shall be made via electronic correspondence. A subsequent written report shall be generated within five business days and provided to parents/caregivers/guardians. The written record for parents/caregivers/guardians shall at minimum include a description of what precipitated the use of physical restraint, what transpired during the use of physical restraint, and what happened in the aftermath of the physical restraint). Ms. Ngo-Miller explained current procedures and training.

On a motion of Dr. Liu and seconded by Ms. Frias, the Policy Review Subcommittee voted unanimously (by roll call), with 3 in favor (Mr. Pearlman, Ms. Frias, and Dr. Liu), 0 opposed, and 0 abstentions, to recommend the proposed PSB Physical Restraint Policy as revised during this meeting (Attachment B) to the full School Committee for a 1<sup>st</sup> Reading on March 24, 2022.

Members noted that this is a complex policy, and that after further review, there may need to be additional edits. Members suggested a detailed presentation to the full School Committee.

### **4) Discussion of Town Meeting Warrant Articles and Referral for Possible School Committee Position Statements (Vote)**

Members discussed which 2022 Annual Town Meeting Articles to recommend to the full School Committee for a public hearing and possible statement to Town Meeting. Ms. Charlupski spoke in support of School Committee consideration of Article 23. Resolution to create an Athletic Field Surface Task Force (Toffel). She discussed the durability of grass vs turf fields. Brookline High School student Jay Sweitzer-Shalit spoke in support of School Committee consideration of Article 28. Home Rule Petition to expand local voting rights to sixteen and seventeen year-olds and Article 29. Home Rule Petition to expand local voting rights to permanent legal residents (Sweitzer-Shalit et. al). He commented on how Article 28 would facilitate the ability of Brookline High School students to weigh in on educational policy and how it ties into the PSB goal to promote student civic engagement. Article 29 will enable non-resident parents/guardians to have a say in Town Education Policy. Mr. Pearlman noted that at the last Policy Review Subcommittee Meeting on March 14, 2022, Ms. Charlupski advised that Article 7. Authorize the acceptance and granting of easements in the areas of 19-21 Brington Road and 22 Tappan Street is a legal matter that does not require a School Committee Statement.

The Subcommittee discussed and agreed not to recommend the following articles for a School Committee hearing and possible statement to Town Meeting: Article 7. Authorize the acceptance and granting of easements in the areas of 19-21 Brington Road and 22 Tappan Street; Article 26. Amend Article 3.16 of the Town's General By-Laws pertaining to the Park and Recreation Commission (Brown et. al); and Article 29. Home Rule Petition to expand local voting rights to permanent legal residents (Sweitzer-Shalit et. al).

On a motion of Dr. Liu and seconded by Ms. Frias, the Policy Review Subcommittee voted unanimously (by roll call), with 3 in favor (Mr. Pearlman, Ms. Frias, and Dr. Liu), 0 opposed, and 0 abstentions, to recommend the following article to the full School Committee for a public hearing and possible statement to Town Meeting: Article 8. Annual (FY23) Budget Appropriations Article. (Advisory Committee)

On a motion of Ms. Frias and seconded by Dr. Liu, the Policy Review Subcommittee voted unanimously (by roll call), with 3 in favor (Mr. Pearlman, Ms. Frias, and Dr. Liu), 0 opposed, and 0 abstentions, to recommend the following article to the full School Committee for a public hearing and possible statement to Town Meeting: Article 9. Amend Article 4.8 of the Town's General By-Laws to adjust calculation of Living Wage (Human Resources) *Prior to the March 24, 2022 School Committee Meeting, Mr. Pearlman will find out whether Article 9 applies to PSB employees.*

On a motion of Mr. Pearlman and seconded by Ms. Frias, the Policy Review Subcommittee voted unanimously (by roll call), with 3 in favor (Mr. Pearlman, Ms. Frias, and Dr. Liu), 0 opposed, and 0 abstentions, to recommend the following article to the full School Committee for a public hearing and possible statement to Town Meeting: Article 23. Resolution to create an Athletic Field Surface Task Force (Toffel)

On a motion of Mr. Pearlman and seconded by Ms. Frias, the Policy Review Subcommittee voted unanimously (by roll call), with 3 in favor (Mr. Pearlman, Ms. Frias, and Dr. Liu), 0 opposed, and 0 abstentions, to recommend the following article to the full School Committee for a public hearing and possible statement to Town Meeting: Article 24. Amend the Town's General By-Laws pertaining to Artificial Turf Surfaces. (Richmond et.al)

On a motion of Dr. Liu and seconded by Ms. Frias, the Policy Review Subcommittee voted unanimously (by roll call), with 3 in favor (Mr. Pearlman, Ms. Frias, and Dr. Liu), 0 opposed, and 0 abstentions, to recommend the following article to the full School Committee for a public hearing and possible statement to Town Meeting: Article 28. Home Rule Petition to expand local voting rights to sixteen and seventeen year-olds (Sweitzer-Shalit et. al)

The meeting adjourned at 7:20 PM.

## **Draft School Committee Statement for Review March 24, 2022**

The recent incidents at Brookline High School are the latest examples that the scourges of racism, sexism, antisemitism, ableism, anti-LGBTQ discrimination, xenophobia, and other forms of bigotry and harassment across all of our schools must be combated with renewed urgency and vigor. We are proud of the students who organized and participated in last week's protest. In so many ways, they are leading the adults; we are grateful for their advocacy, but they are children under our care who rely upon us to foster a school environment of safety, respect, and dignity.

As the elected officials overseeing the Public Schools of Brookline, we are ultimately accountable for the school system and the success of every student within. And we can and will do better.

Specific actions we will take, starting immediately:

- We will pursue training in anti-discrimination and anti-racist leadership for the School Committee, and routinely refresh this training.
- We will empower the superintendent of PSB to embed diversity and a commitment to inclusion, equity and justice across every element of the district's strategic plan to be developed this year, and we commit to identify or reallocate resources to support this work. The superintendent's evaluation rubric will explicitly include diversity, equity, inclusion, and justice.
- We will establish a subcommittee on anti-racism, diversity, equity, inclusion and justice that will include in its charge an action plan for the School Committee, aligned with the district strategic plan. As a part of this plan, the subcommittee will explore ways to address not only overt forms of racism, bigotry, discrimination, and harassment, but also micro aggressions and implicit bias.
- We will review the PSB Policy Handbook through an equity lens, including formulation of an anti-hate speech and iconography policy.
- We recognize the importance of having a School Committee, an administration, and a teaching staff that are more representative of the families that we serve. As a first step, we will explore ways to empower traditionally marginalized communities with opportunities for direct participation in School Committee affairs, including but not limited to appointment of liaisons from these communities (e.g., METCO).
- We will work with PSB staff to ensure clear and transparent mechanisms for reporting racism, bigotry, discrimination, and harassment.

These actions are important district-wide, pre-K through Grade 12, and are aligned with the Committee's legal powers and duties to evaluate the superintendent oversee and approve the district budget, and establish district educational goals and policies.

For those who are skeptical of this commitment - we hear you: the School Committee has not always led in this area, and will certainly make mistakes. We look forward to continued open dialogue with, and feedback from, the PSB community.

Finally, while we are ultimately responsible for PSB, we ask the caregiver community to partner with us and with PSB staff: make clear that there is no place for racism, sexism, antisemitism, ableism, anti-LGBTQ discrimination, xenophobia, and other forms of bigotry and harassment of any kind. Through the home-school partnership, we can work together to promote a safe school environment that embraces the identity and individuality of every student.

## **Draft PSB Physical Restraint Policy 3.24.22**

### **I. Introduction**

It is the policy of the Brookline School Committee to promote a safe and productive workplace and educational environment for its employees and students, and to ensure that every student in the Brookline Public Schools is free from the use of physical restraint that is consistent with the Massachusetts Department of Elementary and Secondary Education regulations, and that physical restraint shall only be used with extreme caution as a last resort in emergency situations, supervised, after other lawful and less intrusive alternatives have failed or been deemed inappropriate.

We believe in preventive and positive approaches to discipline with interventions and consequences aimed at addressing the causes of misbehavior, resolving conflicts, meeting students' needs, and keeping students in school. We believe it is the responsibility of all school staff, students, families, and the community to contribute to a school community that promotes a safe, secure, and learning environment. Preventive and positive discipline is a shared responsibility for students, administrators, teachers, families, and the community. School personnel shall only administer a physical restraint as a last resort when it is needed to protect a student and/or a member of the school community from imminent, serious, physical harm. When a physical restraint needs to be administered, school personnel shall seek to prevent or minimize any harm to the student as a result of the use of the physical restraint. School personnel shall further ensure that the physical restraint is supervised by another adult as quickly as practicable.

This policy shall not be construed to limit the protection afforded to publicly funded students under other federal and state laws, including those laws that provide for the rights of students who have been found eligible to receive special education services. Additionally, this policy shall not be construed to preclude any teacher, employee or agent of a public education program from using reasonable and necessary force to protect students, other persons or themselves from assault or imminent, serious, physical harm.

The Superintendent will develop written procedures and guidelines related to this policy identifying:

- Appropriate responses to student behavior that may require immediate intervention;
- Alternative methods that should be used first when seeking to prevent student violence, self-injurious behavior and/or de-escalating potentially dangerous behavior occurring among groups of students or with an individual student, including alternative methods in emergency situations that avoid resorting to physical restraint.
- Methods for engaging parents in discussions about restraint prevention and use of restraint solely as an emergency procedure;

- A statement prohibiting: medication restraint, mechanical restraint, prone restraint unless permitted by 603 CMR [46.03\(1\)\(b\)](#), seclusion, and the use of physical restraint in a manner inconsistent with 603 CMR [46.00](#);
- A process for obtaining Principal/Head of School approval for a time out exceeding 30 minutes.

## **II. District's Physical Restraint Procedures**

### **A. Definitions**

"Consent" shall mean agreement by a parent/guardian/caregiver who has been fully informed of all information relevant to the activity for which agreement is sought, in their native language or other mode of communication, that the parents/guardians/caregivers understand and agree in writing to the carrying out of the activity, and understand that the agreement is voluntary and may be revoked at any time. The agreement describes the activity and lists the records (if any) which will be released and to whom.

"Restraint" shall mean limitation on a student's physical movement using force against the student's resistance.

"Physical restraint" shall mean direct physical contact that prevents or significantly restricts a student's freedom of movement. The term physical restraint does not include prone restraint, mechanical restraint, or medication restraint. Additionally, physical restraint does not include: providing brief physical contact, without force, to promote student safety or limit self-injurious behavior, providing physical guidance or prompting when teaching a skill, redirecting attention, providing comfort, or a physical escort.

"Physical escort" shall mean a temporary touching or holding, without the use of force, of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is agitated to walk to a safe location.

"Mechanical restraint" shall mean the use of a physical device to restrict the movement of a student or the movement or normal function of a portion of their body. A protective or stabilizing device ordered by a physician shall not be considered a mechanical restraint. The use of a mechanical restraint is prohibited unless explicitly authorized by the student's physician and consented to in writing by the parents/guardians/caregivers of the student.

"Seclusion" shall mean the involuntary confinement of a student alone in a room or area from which the student is physically prevented, or reasonably believes they will be prevented, from leaving. Seclusion does not include a time-out as defined below. The use of seclusion is expressly prohibited.

"Time-out" shall mean a non-physical behavioral support strategy in which a student temporarily separates from the learning activity or the classroom, either by choice or by direction from staff, for the purpose of calming while remaining in an unconfined space (e.g. open area or room with an unlocked door) within the sight of staff. Time-out shall cease as soon as the student has calmed. A time-out does not qualify as a physical

restraint, however parents/guardians/caregivers shall be notified in accordance with the reporting requirement provisions of this restraint policy in the event that a time-out occurs in a closed door time-out room.

"Medication restraint" shall mean the administration of medication for the purpose of temporarily controlling behavior. The use of medication restraint is prohibited unless explicitly authorized by a physician and consented to by the parents/guardians/caregivers of the student.

"Prone restraint" shall mean a restraint in which a student is placed face down on the floor or another surface, and physical pressure is applied to the student's body to keep the student in the prone position. The use of prone restraint is expressly prohibited.

"Principal/Head of School" shall mean the instructional leader of a public education school program or designee.

## **B. Use of Restraint**

Any physical restraint shall be limited to the use of such reasonable force as is necessary, for the least time necessary, to protect a student or another member of the school community from assault or imminent, serious, physical harm. A physical restraint may only be administered by school personnel who have been properly trained in the use of physical restraint.

## **C. Other Limitations on Use of Restraint**

The following practices are expressly prohibited: (i) use of restraint inconsistent with the provisions set forth Section II (B) above (ii) use of physical restraint as a means of discipline or punishment, as a response to the destruction of property or disruption of school order, as a response to a student's refusal to comply with a school rule or staff directive, or as a response to verbal threats when those actions do not constitute a threat of imminent, serious, physical harm;(iii) use of prone restraint; (iv) use of mechanical restraint; (v) use of medication restraint that has not been approved by a physician or consented to by the student's parents/guardians/caregivers; (vi) use of restraint when a student cannot be safely restrained; and (vii) continued use of restraint when students indicate that they cannot breathe, or appear to be in severe distress (including but not limited to: difficulty breathing, sustained or prolonged crying and coughing).

## **D. Proper Administration of a Physical Restraint**

Only trained school personnel shall administer physical restraints. Trained school personnel are those individuals who have received either the in-depth training detailed below, or who have received the required basic training detailed below.

The administration of the physical restraint shall be witnessed by at least one adult, as quickly as practicable, who does not participate in the physical restraint. When administering a physical restraint, school personnel shall use only the amount of force necessary to protect the student or others from physical injury. Program staff shall review and consider any known medical or psychological limitations, known or suspected

trauma history, and/or behavioral intervention plans regarding the use of physical restraint on an individual student.

During the administration of a restraint, school personnel shall monitor the physical status of the student, including skin color, temperature and respiration. Any and all restraint shall be immediately released upon a determination by the school personnel administering the restraint that the student is no longer at risk of causing imminent physical harm to themselves or others. Additionally, restraints shall be administered in such a way as to prevent or minimize physical harm.

At any time during and after the administration of a physical restraint, school personnel shall seek to contact the Office of Student Services board-certified behavioral analysts, or the Crisis Intervention Team, or take other steps to seek medical and/or social emotional assistance if it appears that the student is demonstrating or articulating physical and/or mental distress. This may include contacting counselors.

Recognizing that the administration of a physical restraint can impact more than the student against whom the restraint is administered, school personnel shall offer social-emotional supports to any students and/or staff who witness the administration of a physical restraint. This may include contacting the Office of Student Services, board-certified behavioral analysts and counselors.

#### **E. Reporting Requirements**

At an appropriate time after a student has been released from a restraint, the restraining staff member shall:

- a. review the restraint with the restrained student and relevant staff to address the behavior that precipitated the restraint;
- b. review the incident with a supervisor to discuss whether proper restraint procedures were followed;
- c. notify the Office of Student Services and principal/head of school as soon as practicable and no later than within 24 hours;
- d. notify the parents/caregivers/guardians as soon as practicable. An initial notification must be made prior to the student leaving school or a school-sponsored activity. Initial reporting of a restraint to parents/caregivers/guardians shall be made verbally. If there is no response to verbal outreach, notification shall be made via electronic correspondence. A subsequent written report shall be generated within 5 business days and provided to parents/caregivers/guardians. The written record for parents/caregivers/guardians shall at minimum include a description of what precipitated the use of physical restraint, what transpired during the use of physical restraint, and what happened in the aftermath of the physical restraint.

#### **F. Records Maintenance**

a. Every use of physical restraint shall be documented in writing and reported to the Office of Student Services, the superintendent or designee, and the principal/head of school, including a basic description of what transpired, the name of the student restrained, the name of the staff member who restrained the student, the name(s) of any other staff member(s) who observed the restraint, and the name(s) of any other witnesses.

b. The principal/head of school shall maintain ongoing records of all reported instances of physical restraint. In order to ensure equitable implementation of this policy, both the principal/head of school and the Office of Student Services shall keep records of all uses of restraint, including relevant demographic data on students involved in any action reported under this policy. This data shall be regularly reviewed by the Superintendent to provide constructive feedback on the policy and PSB practice, and a summary shall be made available to the School Committee at least once per year by the penultimate School Committee meeting in June.

### **III. District's Training Requirements**

#### **A. For All Program Staff**

Staff shall receive annual training, within the first month of the school year or their employment, consisting of the following: (a) this policy and related procedures and guidelines developed by the Superintendent or designee; (b) interventions that may preclude the need for restraint, including de-escalation of problematic behaviors and other alternatives to restraint in emergency circumstances, including use of time-out as a behavior support strategy distinct from seclusion; (c) when behavior presents an emergency that requires physical restraint, the types of permitted physical restraints and related safety considerations, including information regarding the increased risk of injury to a student when any restraint is used, in particular a restraint of extended duration; (d) administering physical restraint in accordance with known medical or psychological limitations and/or behavioral intervention plans applicable to an individual student, including known or suspected trauma history; (e) the role of the student, staff and family in preventing use of restraint; and (f) identification of program staff who have received in-depth training pursuant to 603 C.M.R. [46.03](#)(3) in the use of physical restraint. See 603 C.M.R. [46.03](#)(2).

#### **B. For Staff Authorized to Serve As A School-Wide Resource on the Proper Administration of Physical Restraints**

At the beginning of each school year, the principal/head of school of each school shall identify program staff that is authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. The content of the in-depth training shall be thorough and competency-based. See 603 C.M.R. [46.03](#)(3) and [46.03](#)(4).